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EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,982

Applicant(s)

NOBLE, SETH BRADLEY

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claims 1-45 are pending in this Office Action.

Claims 16-45 were added in a Preliminary Amendment.

Papers Received

1. Oath/Declaration and associated Fees were received on 01/12/01.

Supplemental Declaration received on 02/27/03.

2. Preliminary Amendment A received on 07/02/01.

3. Preliminary Amendment B received on 12/27/02.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 01/11/01 has been considered by the examiner.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4).

In Fig. 13, reference character "1332" has been used to designate both a method block and a sub-block within the same method block. The examiner notes the sub-block should probably be labeled "1360" as noted in the specification.

In Fig. 14, reference character 1421 is also used twice in a similar manner. The examiner notes the sub-block should probably be labeled "1421a".

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 5,878,228 by Miller et al. (Miller).

8. With respect to Claim 1, Miller teaches a method, comprising: a) maintaining an understanding at a client of those portions of a response that have been received over a network from a server (Col. 5 lines 29-45); and b) issuing a request message from said client to said server for a portion of said response that has not been received at said client (Col. 5 lines 29-45).

9. With respect to Claim 2, Miller teaches all the limitations of Claim 1 and further teaches sending a reply message from said server to said client, said reply message having at least a portion of said portion of said response (Col. 5 lines 29-33 and lines 6-16).

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10. With respect to Claim 3, Miller teaches all the limitations of Claim 2 and further teaches said reply message further comprises an indication of a size of said response (Col. 7 lines 27-38).

11. With respect to Claim 4, Miller teaches all the limitations of Claim 3 and further teaches said indication of a size of said response further comprises an indication of how much of said response remains to be delivered to said client (Col. 7 lines 27-38 and Col.8 lines 23-40).

12. With respect to Claim 5, Miller teaches all the limitations of Claim 2 and further teaches said reply message is part of a burst of reply messages, said burst of reply messages having said portion of said response (Col. 5 lines 10-18).

13. With respect to Claim 6, Miller teaches all the limitations of Claim 1 and further teaches said request message comprises a starting address (Col. 6 lines 48-51) and an extent (Col. 6 lines 52-55).

14. With respect to Claim 7, Miller teaches all the limitations of Claim 6 and further teaches said starting address corresponds to an address between a starting address for said response and an ending address for said response (Col. 6 lines 48-51).

15. With respect to Claim 8, Miller teaches all the limitations of Claim 6 and further teaches said extent corresponds to an address between a starting address for said response and an ending address for said response (Col. 6 lines 52-55).

16. With respect to Claim 9, Miller teaches all the limitations of Claim 2 and further teaches said reply message further comprises an indication of a capacity of said server (Col. 5 lines 10-15).

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17. With respect to Claim 10, Miller teaches all the limitations of Claim 9 and further teaches said indication of a capacity of said server further comprises a server burst size limit (Col. 5 lines 10-15).

18. With respect to Claim 11, Miller teaches all the limitations of Claim 1 and further teaches said request message further comprises an indication of a capacity of said client (Col. 5 lines 6-10).

19. With respect to Claim 12, Miller teaches all the limitations of Claim 11 and further teaches said indication of a capacity of said client further comprises a client burst limit (Col. 5 lines 9-10).

20. With respect to Claim 13, Miller teaches all the limitations of Claim 1 and further teaches said request message further comprises a description of an object located at said server (Col. 6 lines 65-67).

21. With respect to Claim 14, Miller teaches all the limitations of Claim 13 and further teaches said request message further comprises an action to be taken by said server upon said request (Col. 6 lines 41-45).

22. With respect to Claim 15, Miller teaches all the limitations of Claim 1 and further teaches further comprising issuing a request for said response from a client application to a client transport layer prior to said maintaining and said issuing, a request message (Col. 4 lines 60-67).

23. With respect to Claim 16, Miller teaches a method, comprising: a) generating, at a client, a request for an action to be performed by a server to a data object, said data object being maintained by said server (Col. 5 lines 2-5); b) sending an initial request

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message from said client to said server over a network, wherein said initial request message asks for a first portion of a response to said request (Col. 5 lines 2-8), wherein said initial request message further comprises: 1) a description of said action (Col. 5 line 60 to Col. 6 lines 8); 2) a description of said data object (Col. 6 lines 65-67); 3) a first limit that defines the maximum amount of data that said server is allowed to send to said client in answering said initial request message (Col. 5 lines 9-10); 4) a second limit that defines a maximum datagram size that can be formed by said server in said answering said initial request message (Col. 5 lines 7-8); c) performing, at said server, at least a part of said action to said data object (Col. 5 lines 10-16); and d) sending a burst of reply messages from said server to said client over said network in order to provide said answering to said initial request message (Col. 5 lines 10-16), wherein: 1) each reply message within said burst of reply messages carries a different piece of said asked for first portion, wherein, each of said different pieces is not larger than said second limit and wherein (Col. 5 lines 6-16) 2) the aggregate of said different pieces is an amount of data that is not larger than said first limit (Col. 5 lines 6-16).

24. With respect to Claim 17, Miller teaches all the limitations of Claim 16 and further teaches said client and said server can identify said response as an addressable block of data (Col. 5 lines 19-21).

25. With respect to Claim 18, Miller teaches all the limitations of Claim 17 and further teaches said request further comprises: 1) a first address of said block of data that corresponds to a starting address for said response (Col. 6 lines 48-51); and 2) a

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second address of said block of data that corresponds to a terminating address for said response (Col. 6 lines 52-55).

26. With respect to Claim 19, Miller teaches all the limitations of Claim 17 and further teaches said request defines: 1) a first address of said block of data that corresponds to a starting address for said response (Col. 6 lines 48-51); and 2) an extent value that describes how much information beyond said starting address corresponds to the rest of said response (Col. 6 lines 52-55).

27. With respect to Claim 20, Miller teaches all the limitations of Claim 16 and further teaches said request indicates said response is to be crafted as only a section of a full response, said full response being the complete result of said action being performed on said data object (Col. 5 lines 1-5).

28. With respect to Claim 21, Miller teaches all the limitations of Claim 16 and further teaches sending a second request message from said client to said server over said network, wherein said second request messages asks for a second portion of said response (Col. 5 lines 1-5).

29. With respect to Claim 22, Miller teaches all the limitations of Claim 21 and further teaches said second request message further comprises said first limit and said second limit (Col. 5 lines 6-10).

30. With respect to Claim 23, Miller teaches all the limitations of Claim 21 and further teaches sending a second burst of replay messages from said server to said client in order to answer said second request message (Col. 5 lines 10-16).

31. With respect to Claim 24, Miller teaches all the limitations of Claim 16 and further teaches said first limit is maintained by said client (Col. 5 lines 8-10), and a third limit is maintained by said server (Col. 5 lines 10-15), said third limit defining the maximum amount of data that said server is allowed to send to said client in answering said initial request message, wherein said third limit is less than said first limit and said aggregate of said different pieces is an amount of data that is not larger than said third limit (Col. 5 lines 6-16).

32. With respect to Claim 25, Miller teaches all the limitations of Claim 16 and further teaches at least one of said reply messages further comprises the size of said response (Col. 7 lines 27-38).

33. With respect to Claim 27, Miller teaches all the limitations of Claim 16 and further teaches said client assigns a transaction identifier to said request and includes said transaction identifier into said initial request (Col. 5 lines 1-5 and Col. 6 lines 5-7).

34. With respect to Claim 28, Miller teaches a machine readable medium having stored thereon a sequence of instructions which when executed by a processing core cause said processing core to perform a method, said method comprising: forming an initial request message for sending over a network to a server, wherein said initial request message asks for a first portion of a response to a request (Col. 5 lines 2-8) from a software program for an action to be performed by a server to a data object, wherein said initial request message further comprises: 1) a description of said action (Col. 5 line 60 to Col. 6 lines 8); 2) a description of said data object (Col. 6 lines 65-67); 3) a first limit that defines the maximum amount of data that said server is allowed to

send to said client in answering said initial request message (Col. 5 lines 9-10); 4) a second limit that defines a maximum datagram size that can be formed by said server in said answering said initial request message (Col. 5 lines 7-8).

35. With respect to Claim 29, Miller teaches all the limitations of Claim 28 and further teaches said application software program can identify said response as an addressable block of data (Col. 5 lines 19-21).

36. With respect to Claim 30, Miller teaches all the limitations of Claim 29 and further teaches said request further comprises: 1) a first address of said block of data that corresponds to a starting address for said response (Col. 6 lines 48-51); and 2) a second address of said block of data that corresponds to a terminating address for said response (Col. 6 lines 52-55).

37. With respect to Claim 31, Miller teaches all the limitations of Claim 29 and further teaches said request defines: 1) a first address of said block of data that corresponds to a starting address for said response (Col. 6 lines 48-51); and 2) an extent value that describes how much information beyond said starting address corresponds to the rest of said response (Col. 6 lines 52-55).

38. With respect to Claim 32, Miller teaches all the limitations of Claim 28 and further teaches said request indicates said response is to be crafted as only a section of a full response, said full response being the complete result of said action being performed on said data object (Col. 5 lines 1-5).

39. With respect to Claim 33, Miller teaches all the limitations of Claim 28 and further teaches forming a second request message for sending to said server over said

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network, wherein said second request messages asks for a second portion of said response (Col. 5 lines 1-5).

40. With respect to Claim 34, Miller teaches all the limitations of Claim 33 and further teaches said second request message further comprises said first limit and said second limit (Col. 5 lines 6-10).

41. With respect to Claim 35, Miller teaches all the limitations of Claim 28 and further teaches receiving a burst of reply messages that were sent over said network from said server in order to provide said answering to said initial request message (Col. 5 lines 10-16), wherein: 1) each reply message within said burst of reply messages carries a different piece of said asked for first portion, wherein, each of said different pieces is not larger than said second limit (Col. 5 lines 8-9) and wherein 2) the aggregate of said different pieces is an amount of data that is not larger than said first limit (Col. 5 lines 9-10).

42. With respect to Claim 36, Miller teaches all the limitations of Claim 35 and further teaches at least one of said reply messages further comprises the size of said response (Col. 7 lines 27-38).

43. With respect to Claim 39, Miller teaches a machine readable medium having stored thereon a sequence of instructions which when executed by a processing core cause said processing core to perform a method, said method comprising: forming a burst of reply messages in order to provide an answer to an initial request message that was sent over a network by a client (Col. 5 lines 10-16), wherein said initial request message asked for a first portion of a response to a request from a client software

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program for an action to be performed to a data object (Col. 5 lines 1-10), wherein: a) said initial request message further comprised: 1) a description of said action (Col. 5 line 60 to Col. 6 lines 8); 2) a description of said data object (Col. 6 lines 65-67); 3) a first limit that defines the maximum amount of data that said server is allowed to send to said client in answering said initial request message (Col. 5 lines 9-10); 4) a second limit that defines a maximum datagram size that can be formed by said server in said answering said initial request message (Col. 5 lines 7-8); and b) wherein: 1) each reply message within said burst of reply messages carries a different piece of said asked for first portion, wherein, each of said different pieces is not larger than said second limit (Col. 5 lines 6-10) and wherein 2) the aggregate of said different pieces is an amount of data that is not larger than said first limit (Col. 5 lines 6-10).

44. With respect to Claim 40, Miller teaches all the limitations of Claim 39 and further teaches receiving a second request message that was sent by said client over said network, wherein said second request message asked for a second portion of said response (Col. 5 lines 1-5).

45. With respect to Claim 41, Miller teaches all the limitations of Claim 40 and further teaches sending a second burst of reply messages from said server to said client in order to answer said second request message (Col. 5 lines 6-16).

46. With respect to Claim 42, Miller teaches all the limitations of Claim 39 and further teaches maintaining a third limit, said third limit defining the maximum amount of data that is allowed to be sent to said client in answering said initial request message (Col. 5 lines 10-15).

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47. With respect to Claim 43, Miller teaches all the limitations of Claim 42 and further teaches said aggregate of said different pieces is an amount of data that is not larger than said third limit if said third limit is less than said first limit (Col. 5 lines 10-15).

48. With respect to Claim 44, Miller teaches all the limitations of Claim 39 and further teaches at least one of said reply messages further comprises the size of said response (Col. 7 lines 27-38).

Claim Rejections - 35 USC § 103

49. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

50. Claim 26, 37, 38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of U.S. Patent 5,845,280 by Treadwell, III et al. (Treadwell).

51. With respect to Claim 26, Miller teaches all the limitations of Claim 16 but does not explicitly disclose returning an object identifier that can be used for subsequent requests on the same object. However, Treadwell shows it is well known in the art that data objects can be assigned an object identifier (Col. 2 lines 25-29) that can be used in subsequent requests (Col. 7 lines 8-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Miller and modify it as indicated by Treadwell such that at least one of said reply messages

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further comprises an object identifier that said client may use to refer to said data object for subsequent requests that invoke said data object. One would be motivated to have this as it reduces overhead in data transmission procedures (Col. 2 lines 29-35).

52. With respect to Claim 37, Miller teaches all the limitations of Claim 35 but does not explicitly disclose returning an object identifier that can be used for subsequent requests on the same object. However, Treadwell shows it is well known in the art that data objects can be assigned an object identifier (Col. 2 lines 25-29) that can be used in subsequent requests (Col. 7 lines 8-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the machine readable medium disclosed by Miller and modify it as indicated by Treadwell such that at least one of said reply messages further comprises an object identifier that may be used to refer to said data object for subsequent requests that invoke said data object. One would be motivated to have this as it reduces overhead in data transmission procedures (Col. 2 lines 29-35).

53. With respect to Claim 38, Miller in view of Treadwell further teaches said method further comprises assigning a transaction identifier to said request and including said transaction identifier into said initial request message (Col. 5 lines 1-5 and Col. 6 lines 5-7).

54. With respect to Claim 45, Miller teaches all the limitations of Claim 39 but does not explicitly disclose returning an object identifier that can be used for subsequent requests on the same object. However, Treadwell shows it is well known in the art that data objects can be assigned an object identifier (Col. 2 lines 25-29) that can be used in

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subsequent requests (Col. 7 lines 8-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the machine readable medium disclosed by Miller and modify it as indicated by Treadwell such that at least one of said reply messages further comprises an object identifier that said client may use to refer to said data object for subsequent requests that invoke said data object. One would be motivated to have this as it reduces overhead in data transmission procedures (Col. 2 lines 29-35).

Conclusion

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

56. U.S. Patent 6,430,620 by Omura et al. "System and Method for Locating and Retransferring Lost Data Through the Use of Position Number Within a File" August 6, 2002.

57. U.S. Patent 6,493,316 by Chapman et al. "Apparatus for and Method of Managing Bandwidth for a Packet Based Connection" December 10, 2002.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



David Lazaro
January 6, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER